APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/078,366	02/21/2002	John Keane	7937.0003	4963

			EXAMINER
22852	7590	12/01/2006	MANIWANG, JOSEPH R

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

ART UNIT	PAPER NUMBER
2144	

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/078,366	KEANE ET AL.
	Examiner	Art Unit	
	Joseph R. Maniwang	2144	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>07 September 2006</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-43 and 45-66* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-43 and 45-66* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>09/07/06</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2.   Claims 1-43 and 45-56 are rejected under 35 U.S.C. 102(e) as being anticipated by Tuomenoksa (U.S. Pat. No. 7,028,334).

3.   The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

4.   Regarding claims 1, 15, 26, and 31, Tuomenoksa disclosed a method and system comprising detecting an addressing conflict between a first address of a first processor and a second address of a second processor prior to receiving packets from the processors (see column 22, line 21; column 48, lines 40-51); associating an identifier with the detected addressing conflict (see column 48, lines 23-46); receiving from the first processor one or more packets forming a tunnel (see column 47, lines 30-33); removing from the one or more packets information about the tunnel, the removed tunnel information including a virtual address of the tunnel (see column 47, lines 45-60);

determining that the one or more packets are associated with the detected addressing conflict by determining that the removed virtual address corresponds to the identifier associated with the detected addressing conflict (see column 49, lines 20-36); determining a translated address based on the removed virtual address (see column 49, lines 20-36); and forwarding the one or more packets based on the translated address (see column 49, lines 20-36).

5.   Regarding claims 2, 16, and 27, Tuomenoksa disclosed the method and system further comprising detecting that the first address is the same as the second address (see column 48, lines 29-33).

6.   Regarding claims 3, 17, 28, and 32, Tuomenoksa disclosed the method and system further comprising detecting that the first address is the same as the second address based on information about the first processor and the tunnel (see column 48, lines 29-33).

7.   Regarding claims 4, 18, and 29, Tuomenoksa disclosed the method and system further comprising removing information indicating the virtual address, the virtual address uniquely identifying the tunnel (see column 20, lines 26-49).

8.   Regarding claims 5, 19, and 30, Tuomenoksa disclosed the method and system further comprising removing information indicating a virtual IP address of the tunnel (see column 20, lines 26-49).

9.   Regarding claims 6 and 20, Tuomenoksa disclosed the method and system further comprising determining, based on the removed virtual address and the identifier,

that the first address in the one of more packets causes the addressing conflict (see

column 48, lines 23-60).

10.   Regarding claims 7 and 21, Tuomenoksa disclosed the method and system

further comprising determining the translated address based on the first address (see

column 49, lines 20-36).

11.   Regarding claims 8 and 22, Tuomenoksa disclosed the method and system

further comprising mapping the first address into the translated address, such that the

one or more packets are forwarded on a network other than the first and second

networks without the addressing conflict (see column 49, lines 20-36).

12.   Regarding claims 9 and 23, Tuomenoksa disclosed the method and system

further comprising mapping the first address into the translated address, such that the

one or more packets are forwarded on the second network without the addressing

conflict (see column 49, lines 20-36).

13.   Regarding claims 10 and 24, Tuomenoksa disclosed the method and system

further comprising mapping the first address into the translated address, such that the

one or more packets are forwarded on the first network without the addressing conflict

(see column 49, lines 20-36).

14.   Regarding claims 11, 25, and 33, Tuomenoksa disclosed the method and system

further comprising mapping, at a gateway, the first address into the translated address

(see column 49, lines 20-36).

15.   Regarding claim 12, Tuomenoksa disclosed the method and system further comprising detecting the addressing conflict at a gateway interfacing a network other than the first and second networks (see column 22, lines 12-30).

16.   Regarding claim 13, Tuomenoksa disclosed the method and system further comprising detecting the addressing conflict at a gateway interfacing the second network (see column 22, lines 12-30).

17.   Regarding claim 14, Tuomenoksa disclosed the method and system further comprising detecting the addressing conflict at a gateway interfacing the first network (see column 22, lines 12-30).

18.   Regarding claim 34, Tuomenoksa disclosed the method and system wherein the other processor resolves the conflict based on another virtual address of another tunnel established between the other processor and the second network (see column 16, lines 4-24).

19.   Regarding claim 35, Tuomenoksa disclosed the method and system wherein the other processor resolves the conflict such that communication between the second processor and the first network is enabled (see column 16, lines 4-24; column 49, lines 20-36).

20.   Regarding claims 36 and 45, Tuomenoksa disclosed the method and system further comprising forming the tunnel, such that a first protocol encapsulates a second protocol (see column 14, lines 41-62).

21.   Regarding claims 37 and 46, Tuomenoksa disclosed the method and system

further comprising using the first protocol as an Internet Protocol (IP) (see column 14,

lines 41-62).

22.   Regarding claims 38 and 47, Tuomenoksa disclosed the method and system

further comprising user the second protocol as an Internet Protocol (IP) (see column 14,

lines 41-62).

23.   Regarding claims 39 and 48, Tuomenoksa disclosed the method and system

further comprising defining the second protocol to further include an encryption protocol

(see column 14, lines 41-62).

24.   Regarding claims 40 and 49, Tuomenoksa disclosed the method and system

further comprising removing from the one or more packets the virtual address of the

tunnel, the virtual address uniquely identifying the tunnel and being routable on a virtual

network (see column 20, lines 26-49).

25.   Regarding claims 41 and 50, Tuomenoksa disclosed the method and system

further comprising determining the translated address, such that the addressing conflict

is resolved with respect to the first network without regard to a possible addressing

conflict on a network other than the first network (see column 49, lines 20-36).

26.   Regarding claims 42 and 51, Tuomenoksa disclosed the method and system

further comprising determining the translated address, such that the addressing conflict

is resolved between the first and second networks without regard to a possible

addressing conflict on a network other than the first and second networks (see column

49, lines 20-36).

27.   Regarding claims 43 and 52, Tuomenoksa disclosed the method and system

further comprising determining the translated address, such that the addressing conflict

is resolved without consent of another processor (see column 49, lines 20-36).

28.   Regarding claim 53, Tuomenoksa disclosed the method and system further

comprising determining the translated address, such that the addressing conflict is

resolved by the first and second processors without regard to another processor (see

column 49, lines 20-36).

29.   Regarding claim 54, Tuomenoksa disclosed the method and system wherein the

other processor determines the translated address without regard to the first and

second networks, such that the addressing conflict is resolved locally on a network

other than the first and second networks (see column 49, lines 20-36).

30.   Regarding claim 55, Tuomenoksa disclosed the method and system wherein the

other processor determines the translated address, such that the addressing conflict is

resolved on a network other than the first and second networks (see column 49, lines

20-36).

31.   Regarding claim 56, Tuomenoksa disclosed the method and system further

comprising storing the translated address with the identifier associated with the detected

addressing conflict (see column 48, line 23 through column 49, line 36); and wherein

determining a translated address based on the removed virtual address comprises

retrieving, based on the identifier, information indicating the translated address (see

column 48, line 23 through column 49, line 36).

Response to Arguments

32.   Applicant's arguments filed 09/07/06 have been fully considered but they are not

persuasive.

33.   Examiner acknowledges the amendments to the Drawings and Specification.

Previous objections have been withdrawn.

34.   Regarding claims 1-43 and 45-56 under 35 U.S.C. 112, first paragraph, Examiner

acknowledges amendments to the claims. The rejection has been withdrawn.

35.   Regarding claims 1-43 and 45-56 rejected under 35 U.S.C. 102(e) as being

anticipated by Tuomenoksa (U.S. Pat. No. 7,028,334), Applicant traverses the rejection.

Applicant first asserts that the reference does not teach "associating an identifier with

the detected addressing conflict". Examiner submits that Tuomenoksa reads on the

broad concept as claimed. Tuomenoksa disclosed creating an "intermediate address

space" (i.e., identifier) after detecting a conflict (see column 48, lines 47-60). Clearly,

the address space created in response to a detected address conflict is equivalent to

the claimed identifier associated with a detected addressing conflict as claimed.

Applicant further asserts that the reference fails to teach "removing from the one or

more packets information about the tunnel, the removed tunnel information including a

virtual address of the tunnel". Examiner submits that such a feature is inherent in the

system of Tuomenoksa. Tuomenoksa disclosed the use of virtual addresses and a

tunnel between a computers within the network (see column 50, lines 25-41). One of

ordinary skill in the art would easily recognize that a tunnel would both use packets for

communication and also interpret the addresses of each packet when processing the

packets. Such an inherent feature reads on the broadly claimed concept of extracting a

virtual address from a packet. Additionally, Tuomenoksa disclosed monitoring a tunnel,

where monitoring information (i.e., packets) indicated a virtual address of the tunnel

(see column 68, lines 9-23). Finally, Applicant asserts that the reference does not teach

"determining that the one or more packets are associated with the detected addressing

conflict by determining that the removed virtual address corresponds to the identifier

associated with the detected addressing conflict". Specifically, Applicant asserts that

Tuomenoksa does not teach an identifier. As stated above, Examiner submits that

Tuomenoksa does teach an "identifier", created in response to a detected address

conflict. To this point, Applicant also states that there is no teaching of "determining that

the removed virtual address corresponds to the identifier". However, Examiner submits

that Tuomenoksa disclosed the provision for "each gateway...determining if a local

address conflict exists with another gateway...and translating addresses of the packets

to and from the negotiated address space". Such a provision would inherently require

some mechanism to allow a gateway to recognize if a packet's address corresponded to

an address space (i.e,. corresponded to the identifier), especially since a gateway could

"detect the packets addressed in the first intermediate address space" (see column 49,

lines 20-36).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

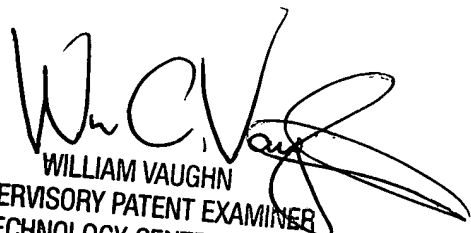than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Joseph R. Maniwang whose telephone number is (571)

272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, William C. Vaughn can be reached on (571) 272-3922. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JM

WILLIAM VAUGHN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100